

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

BRENDA PARRISH

**(b) County of Residence of First Listed Plaintiff** Tuscarawas, OH  
*(EXCEPT IN U.S. PLAINTIFF CASES)*

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

PERANTINIDES & NOLAN CO., L.P.A.  
 300 Courtyard Sq., 80 South Summit St., Akron OH 44308-1736  
 330 - 253-5454

**DEFENDANTS**

MEDTRONIC USA, INC., ET AL.

County of Residence of First Listed Defendant Hennepin, MN

*(IN U.S. PLAINTIFF CASES ONLY)*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (*If Known*)

See attached Exhibit A

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

|  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question<br><i>(U.S. Government Not a Party)</i>                     |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity<br><i>(Indicate Citizenship of Parties in Item III)</i> |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
*(For Diversity Cases Only)*

| Citizen of This State                 | PTF                        | DEF   | PTF                        | DEF                                   |
|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> 1 | <input type="checkbox"/>   | 1 Incorporated or Principal Place of Business In This State     | <input type="checkbox"/>   | <input type="checkbox"/> 4            |
| <input type="checkbox"/>              | <input type="checkbox"/>   | 2 Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| <input type="checkbox"/>              | <input type="checkbox"/> 3 | 3 Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#).

| CONTRACT   | TORTS  | FORFEITURE/PENALTY  | BANKRUPTCY   | OTHER STATUTES  |
|--|--|---|--|---|
| <input type="checkbox"/> 110 Insurance   | <b>PERSONAL INJURY</b>   | <b>PERSONAL INJURY</b>  | <input type="checkbox"/> 422 Appeal 28 USC 158                         | <input type="checkbox"/> 375 False Claims Act   |
| <input type="checkbox"/> 120 Marine  | <input type="checkbox"/> 310 Airplane                              | <input type="checkbox"/> 365 Personal Injury - Product Liability                                      | <input type="checkbox"/> 423 Withdrawal 28 USC 157                     | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))   |
| <input type="checkbox"/> 130 Miller Act  | <input type="checkbox"/> 315 Airplane Product Liability            | <input checked="" type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability | <b>PROPERTY RIGHTS</b>   | <input type="checkbox"/> 400 State Reapportionment  |
| <input type="checkbox"/> 140 Negotiable Instrument                                   | <input type="checkbox"/> 320 Assault, Libel & Slander              | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability                               | <input type="checkbox"/> 820 Copyrights                                | <input type="checkbox"/> 410 Antitrust  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment       | <input type="checkbox"/> 330 Federal Employers' Liability          | <input type="checkbox"/> 370 Other Fraud  | <input type="checkbox"/> 830 Patent                                    | <input type="checkbox"/> 430 Banks and Banking  |
| <input type="checkbox"/> 151 Medicare Act  | <input type="checkbox"/> 340 Marine                                | <input type="checkbox"/> 371 Truth in Lending   | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 450 Commerce   |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 345 Marine Product Liability              | <input type="checkbox"/> 380 Other Personal Property Damage   | <input type="checkbox"/> 840 Trademark                                 | <input type="checkbox"/> 460 Deportation  |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits           | <input type="checkbox"/> 350 Motor Vehicle                         | <input type="checkbox"/> 385 Property Damage Product Liability  | <b>SOCIAL SECURITY</b>   | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations                   |
| <input type="checkbox"/> 160 Stockholders' Suits                                     | <input type="checkbox"/> 355 Motor Vehicle Product Liability       | <input type="checkbox"/> 710 Fair Labor Standards Act   | <input type="checkbox"/> 861 HIA (1395ff)                              | <input type="checkbox"/> 480 Consumer Credit  |
| <input type="checkbox"/> 190 Other Contract  | <input type="checkbox"/> 360 Other Personal Injury                 | <input type="checkbox"/> 720 Labor/Management Relations   | <input type="checkbox"/> 862 Black Lung (923)                          | <input type="checkbox"/> 485 Telephone Consumer Protection Act                                |
| <input type="checkbox"/> 195 Contract Product Liability                              | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 740 Railway Labor Act  | <input type="checkbox"/> 863 DIWC/DIWW (405(g))                        | <input type="checkbox"/> 490 Cable/Sat TV   |
| <input type="checkbox"/> 196 Franchise   |  | <input type="checkbox"/> 751 Family and Medical Leave Act   | <input type="checkbox"/> 864 SSID Title XVI                            | <input type="checkbox"/> 850 Securities/Commodities/ Exchange                                 |
|  |  | <input type="checkbox"/> 790 Other Labor Litigation   | <input type="checkbox"/> 865 RSI (405(g))                              | <input type="checkbox"/> 890 Other Statutory Actions  |
|  |  | <input type="checkbox"/> 791 Employee Retirement Income Security Act                                  |  | <input type="checkbox"/> 891 Agricultural Acts  |
|  |  |   |  | <input type="checkbox"/> 893 Environmental Matters  |
|  |  |   |  | <input type="checkbox"/> 895 Freedom of Information Act                                       |
|  |  |   |  | <input type="checkbox"/> 896 Arbitration  |
|  |  |   |  | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
|  |  |   |  | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |
| REAL PROPERTY  | CIVIL RIGHTS   | PRISONER PETITIONS  | FEDERAL TAX SUITS  |   |
| <input type="checkbox"/> 210 Land Condemnation                                       | <input type="checkbox"/> 440 Other Civil Rights                    | <b>Habeas Corpus:</b>   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)       |   |
| <input type="checkbox"/> 220 Foreclosure   | <input type="checkbox"/> 441 Voting                                | <input type="checkbox"/> 463 Alien Detainee   | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609               |   |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                                  | <input type="checkbox"/> 442 Employment                            | <input type="checkbox"/> 510 Motions to Vacate Sentence   |  |   |
| <input type="checkbox"/> 240 Torts to Land   | <input type="checkbox"/> 443 Housing/ Accommodations               | <input type="checkbox"/> 530 General  |  |   |
| <input type="checkbox"/> 245 Tort Product Liability                                  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment     | <input type="checkbox"/> 535 Death Penalty  |  |   |
| <input type="checkbox"/> 290 All Other Real Property                                 | <input type="checkbox"/> 446 Amer. w/Disabilities - Other          | <b>Other:</b>   |  |   |
|  | <input type="checkbox"/> 448 Education                             | <input type="checkbox"/> 540 Mandamus & Other   |  |   |
|  |  | <input type="checkbox"/> 550 Civil Rights   |  |   |
|  |  | <input type="checkbox"/> 555 Prison Condition   |  |   |
|  |  | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                               |  |   |
| IMMIGRATION  |  |   |  |   |
|  |  | <input type="checkbox"/> 462 Naturalization Application   |  |   |
|  |  | <input type="checkbox"/> 465 Other Immigration Actions  |  |   |

**V. ORIGIN** (Place an "X" in One Box Only)

|  |  |  |   |  |  |   |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):  
 28 U.S.C. §§ 1332, 1141, 1446

**VI. CAUSE OF ACTION**

Brief description of cause:  
 Plaintiff asserts causes of action for wrongful death, products liability and punitive damages relating to a medical device.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
 UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

SIGNATURE OF ATTORNEY OF RECORD  
 /s/ Paul J. Cosgrove

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

1.  General Civil
2.  Administrative Review/Social Security
3.  Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. **RELATED OR REFILED CASES.** See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action:  is RELATED to another PENDING civil case  is a REFILED case  was PREVIOUSLY REMANDED

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

**COUNTY:**

**Corporation** For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

**COUNTY:** Complaint filed in Cuyahoga County.

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

**COUNTY:**

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON  
 CLEVELAND  
 YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)

(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)

(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot)

**EXHIBIT A TO CIVIL COVER SHEET**

**Attorneys for Defendants Medtronic USA, Inc., Medtronic, Inc., and Heartware International Inc.**

Paul J. Cosgrove (0073160)

**ULMER BERNE, LLP**

600 Vine Street, Suite 2800

Cincinnati, Ohio 45202-2409

(513) 698-5000 (*telephone*)

(513) 698-50001(*facsimile*)

[pcosgrove@ulmer.com](mailto:pcosgrove@ulmer.com)

Georgia Hatzis (0092964)

**ULMER & BERNE, LLP**

1660 W. 2nd Street, Suite 1100

Cleveland, OH 44113

(216) 583-7000 (*telephone*)

(216) 583-7001 (*facsimile*)

[ghatzis@ulmer.com](mailto:ghatzis@ulmer.com)

Daniel I.A. Smulian (*pro hac vice* to be filed)

**GREENBERG TRAURIG, LLP**

The MetLife Building

200 Park Avenue, 39th Floor

New York, New York 10166

(212) 801-2271 (*telephone*)

[SmulianD@gtlaw.com](mailto:SmulianD@gtlaw.com)

Marcella C. Ducca (0084104)

**GREENBERG TRAURIG, LLP**

Terminus 200

3333 Piedmont Road N.E., Suite 2500

Atlanta, Georgia 30305

(678) 553-7375 (*telephone*)

[DuccaM@gtlaw.com](mailto:DuccaM@gtlaw.com)